REMARKS

Claims 1-36 were pending in the application, of which claims 1, 3, 14, 19-20, 23 and 31 were independent. By this Amendment, claims 1-3 and 20 are amended, claims 13 and 17 cancelled, and new claims 37-57 added.

The title has been amended to ensure consistency with the claims.

Fig. 1 has been amended to indicate "PRIOR ART" as suggested by the Examiner. Furthermore, for the reasons set forth below, it is respectfully submitted that Figure 7 is correct and does not require to be deleted.

35 U.S.C. 112 first paragraph

As has been previously argued, the present invention concerns the insertion of auxiliary data into an uncompressed main data stream, which main data stream either has previously been compression encoded or is to be subsequently compression encoded.

The claimed technique is to identify components of the main signal to identify at least one component of the main digital data stream which made or which will make substantially no contribution to the subsequently coded data.

In a preferred form, described as an example in the specification, this identification is performed by estimating sub bands and quantization levels used or to be used in the encoding. Of course, the process of estimating sub bands and quantization levels has very close similarities with coding. Further, one way to conduct the process is to employ a data insertion unit having combined functions of an encoder and decoder. The critical distinction remains, however, that the present invention results in an uncompressed data signal containing auxiliary digital data.

Language in the specification such as "inserting data into sub-bands" is wholly consistent with the claimed invention and would be understood by the skilled reader as describing an exemplary process which results in an uncompressed data stream containing auxiliary data such that when that uncompressed data stream is subsequently compressed, that auxiliary data lies beneath the quantization noise floor in one or more of the sub-bands employed in the compression coding process.

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The only proper way, it was felt, of exemplifying the process according to the invention of "identifying components..." was by reference to the skilled reader's understanding of the encoding process.

The fact that the required analysis of an uncompressed data stream might be performed with something very close to an encoder followed by a decoder, does not detract from the very clear teaching that the auxiliary data is carried in the <u>uncompressed</u> data stream.

One important usage of the auxiliary data, which emphasizes this distinction, is to carry information (particularly synchronization information) <u>from</u> a decoder <u>to</u> a coder. This is of course impossible if the auxiliary data exists only in the compressed stream.

The claims have been carefully revised to define and to distinguish between compressed and uncompressed signals. In view of this amendment, and for the above reasons, it is respectfully submitted that the claimed subject matter is sufficiently described.

On the question of choosing between high or low sub bands, it is clearly disclosed that both options fall within the scope of claim.

35 U.S.C. 112 second paragraph

The claims have been revised, with new claims being added as appropriate, to avoid the objectionable alternative language.

By reason of these amendments and the amendments discussed earlier which define and distinguish more clearly between compressed and uncompressed streams, it is respectfully submitted that the claims particularly point out and distinctly claim the inventive subject matter.

35 U.S.C. 103 (a)

The meaning of the claims having been clarified, it is submitted that the invention is patentably distinguished from Spille as previously argued.

It is re-emphasized that following the teaching of St35 U.S.C. 112 second paragraph Spille results in the carriage of auxiliary data in a <u>compressed</u> data stream. The present invention enables auxiliary data to be carried in an uncompressed data stream. This is nowhere hinted at or suggested in Spille. One inventive application of this auxiliary data is the carriage of synchronization data from a decoder to a subsequent coder. This cannot be achieved with Spille or any obvious variant.

Application No.: 09/770,296

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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